

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2578 – SB 2569

March 9, 2016

**SUMMARY OF ORIGINAL BILL:** Restructures the Tennessee Board of Regents (TBR) such that the four-year institutions that are currently Regents members will have their own autonomous boards (henceforth known as Boards) with certain vested powers. Creates a transition period from July 1, 2016, to November 30, 2017, during which time TBR shall continue to maintain certain central office functions for the four-year institutions such as data systems; capital project planning and management; and procurement. During the transition period the Tennessee Higher Education Commission (THEC) will solicit and approve or deny requests from the state university boards to assume these functions by November 30, 2017. If a state university initially opts to continue to have these functions performed by TBR Central Office staff, the university retains the right to assume these duties.. Authorizes Boards to set their own tuition rates and maintain separate bank accounts. Sets forth various changes to effectuate the separation of the state university system from the Tennessee Board of Regents. Requires each new Board to consist of 10 members; 9 voting and 1 non-voting member. Requires eight of the voting members to be appointed by the Governor; with an additional voting faculty member selected by each respective Board. Requires a student to serve as a non-voting 10<sup>th</sup> Board member. Sets forth the term and qualifications of certain Board members. Sets forth the procedure by which Board members may be removed. Requires all meetings of the respective Boards to be video-streamed from each institution's website and archived.

Authorizes each new Board to hire and terminate employees; approve operating budgets for their respective institutions; prescribe curricula and requirements for degrees and diplomas; purchase or condemn land subject to state regulations; erect buildings; borrow money subject to the approval of the State School Bond Authority; and contract with any private parties.

Requires THEC to establish and ensure that all postsecondary institutions continue to provide an integrated system of postsecondary education. Requires a president from a state university to be added to the THEC funding formula committee and for THEC to develop a comprehensive strategic financial plan. Requires THEC to annually approve a binding tuition and fee policy that shall include two approved ranges of allowed adjustments; one for modification to the tuition rates and one for a modification to the combined total of tuition and mandatory fees. Requires the THEC Executive Director, in addition to the Chancellor of TBR and the President of the University of Tennessee system, to review state legislative funding requests.

## FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$416,000

Other Fiscal Impact – There will be unknown impacts to the existing Tennessee Board of Regents state university and community college systems including, but not limited to, changes in tuition and fee funding levels, reallocation of existing funding, and changes in employment levels within the TBR Central Office and TBR universities. These changes will occur at the discretion of each newly-appointed university board of trustees. As a result, any such impacts cannot be reasonably quantified.

Recurring funding in the amount of \$416,400, on page B-88, is included in the Governor's Recommended Budget for FY16-17.

**SUMMARY OF AMENDMENT (013626):** Adds language to the bill that revises Tenn. Code Ann. § 49-7-204 (a), (b), and (c), relative to the composition of the Tennessee Higher Education Commission (THEC), that revises the appointing authorities of the THEC members such that the Governor shall appoint six voting members and the Speaker of the House of Representatives and the Speaker of the Senate shall each appoint one voting member. Requires the Governor to also appoint two student members, one of whom shall be a voting member. Requires the Comptroller of the Treasury, the Secretary of State, and the State Treasurer to serve as ex officio voting members, and the Executive Director of THEC to serve as an ex-officio, nonvoting member. Sets forth the process to transition from the Governor appointing all members of THEC to a divided appointing system which consists of the Governor, the Speaker of the House of Representatives, and the Speaker of the Senate. Sets forth how vacancies shall be filled in the future by the respective appointing authorities and how the Governor shall appoint the student members of THEC; sets forth how student members shall be nominated; and sets forth the terms of office of THEC members.

## FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

**Unchanged from the original fiscal impact.**

Assumptions for the bill as amended:

- Based on information from the Department of Finance and Administration, THEC will employ two academic affairs officers and one capital outlay director to assist with THEC's new duties and setting up the new state university system. The increase in state expenditures for each person is estimated to be \$138,800; thus, a recurring increase in state expenditures of \$416,400 (\$138,800 x 3).

- Recurring funding in the amount of \$416,400 is included, on page B-88, in the Governor's FY16-17 recommended budget.
- Based on information from the Board of Regents, the Central Office received \$8,767,803 in chargebacks from community colleges and universities from the provision of Central Office functions in FY15-16. Of this amount, \$5,809,522 was received from TBR universities and \$2,554,881 was received from TBR community colleges.
- In FY17-18 and subsequent years, state universities will have increases in tuition revenue and in expenditures for new personnel, contracts, additional financial liabilities as the result of favorable votes of each respective Board, and travel costs for new Board members; however, such increases cannot be reasonably quantified and are dependent upon multiple unknown factors such as the guidelines that will be set by THEC for increasing tuition and fees; the number of personnel that each Board will elect to employ; whether each Board decides to use third-parties or employ personnel to provide services formerly performed by TBR Central Office staff; travel costs for each new Board member; and the decisions that each Board will make relative to the incursion of additional financial liabilities.
- The TBR Central Office staff may be reduced, dependent upon the extent of services that the Central Office is providing after November 30, 2017. Any related fiscal impact cannot be reasonably determined.
- No fiscal impact on the lottery scholarship program.
- Appointments will be made to the respective university boards and THEC in the normal course of business without an increase in personnel or a significant increase in other expenditures.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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